

## REMARKS

Claims 1-37 are pending and active in the present application. By amendment above, Claim 1 has been amended to recite that the binder contains at least one of phosphate and salt and that the product includes about 1 wt.% or less phosphate and/or salt. In view of this amendment, Claims 16 and 17 have been canceled. Similar amendments have been made to independent Claims 30, 32, and 33. Support for these amendments is provided by page 9, lines 13-14, of the specification. Claim 37 has been amended to correct a typographical error.

Claims 1-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,897,573 to Kelly, in view of U.S. Patent No. 4,396,634 to Shenouda et al. For the following reasons, applicants respectfully traverse this rejection.

Kelly alone, or in combination with Shenouda et al., does not disclose the method of Claim 1 for making a seafood product that produces a product containing about 1 wt.% or less phosphate and/or salt. Kelly describes production of integral blocks formed from fish fillets that are salted and then coated with a binder prior to molding the binder-coated fillets to form the blocks. According to the abstract of Kelly, the integral blocks may be sliced with wood smoking being carried out before or after slicing. Kelly, at Col. 2, lines 3-14, describes the amount of salt, phosphate, and binder added to the raw fish fillets:

- a. contacting raw fish fillets with salt to provide salted fillets containing about 3 – 20% salt expressed on a wet weight basis,
- b. coating the salted fillets with from 5 – 50% by weight of a binder containing finely divided substantially bone-free raw fish muscle mixed with from 1 – 10% salt and from 3 – 8% food grade phosphate, both expressed on a wet weight basis in terms of the finely divided raw fish muscle, and
- c. moulding the binder-coated fillets to provide integral blocks of uniform weight, shape and size.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Kelly describes that at least 3% salt is added to the raw fish fillets on a wet weight basis. According to Kelly, the salted fish fillets are then combined with as little as 5 wt.% binder that includes as little as 1 wt.% salt and 3 wt.% food grade phosphate. These minimum amounts of salt and phosphate described by Kelly result in an intermediate product that includes slightly more than 3 wt.% of phosphate and salt based on a wet weight basis before smoking. According to Kelly, the moulded binder-coated fillets are subjected to smoking. Because smoking will dehydrate the binder-coated fillets, it is reasonable to conclude that the final product of Kelly will have a phosphate and salt content that is even greater than the slightly more than 3% of the intermediate product.

In contrast, Claim 1, as amended, recites a method that produces a product that contains an amount of phosphate and/or salt that is about 1 wt.% or less of the product. Kelly alone, or in combination with Shenouda et al., does not teach or suggest the method of Claim 1.

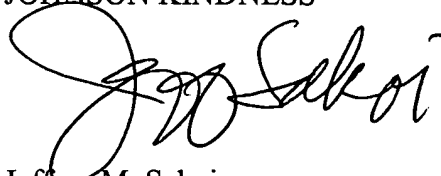
For these reasons, applicants assert that the subject matter of independent Claim 1, and Claims 2-15 and 18-29 that depend therefrom, is nonobvious over Kelly in view of Shenouda et al.

As noted above, independent Claims 30, 32, and Claim 33 have been amended above to recite that the seafood product comprises 1 wt.% or less phosphate and/or salt. For the reasons given above with respect to independent Claim 1, the subject matter of independent Claims 30, 32, and 33 is nonobvious over Kelly, alone or in view of Shenouda et al.

For the foregoing reasons, applicants respectfully request withdrawal of the outstanding rejection and allowance of the application. In order to resolve any outstanding issues in a timely and efficient manner, the Examiner is encouraged to call applicants' attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Jeffrey M. Sakoi  
Registration No. 32,059  
Direct Dial No. 206.695.1713

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first-class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: November 3, 2006 Shannon Lih

JMS:mgp

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100